

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

WILLIAM E. MAPP, III,
WARREN K. PAXTON, JR.,
CALEB J. WHITE, and
SERVERGY, INC.,

Respondents.

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Civ. Action No. 4:16-cv-00246

JOINT MOTION TO MODIFY SCHEDULING ORDER

Plaintiff Securities and Exchange Commission, Respondent William E. Mapp, III, and Respondent Warren K. Paxton, Jr., by their undersigned counsel, hereby file this joint motion to modify the Court’s Scheduling Order, dated September 14, 2016, *see* Scheduling Order, No. 4:16-cv-00246-ALM, ECF No. 36 (Sept. 14, 2016), in order to align it with the parties’ unanimous agreement on dates following a Court-requested meet and confer.

At the Court’s Rule 16 case management conference held on August 22, 2016, the Court stated that it would be flexible on discovery deadlines. After setting a trial date of September 2017, the Court suggested that “the parties consult and provide the Court with new dates” for the remainder of the schedule. *See* Scheduling Conference Minute Entry, No. 4:16-cv-00246-ALM, ECF No. 34 (Aug. 22, 2016), at 1. At the end of the conference, the Court noted that the parties “will meet following this hearing, for consultation regarding scheduling order deadlines.” *Id.* at

2. During the meeting immediately following the hearing, the parties agreed to consider proposals from each other before submitting a proposed scheduling order to the Court.

The parties have now met and conferred concerning a proposed scheduling order, and agree to four proposed changes to the Court's Scheduling Order which was filed in the interim. First, the parties request that the deadlines for Plaintiff to file amended pleadings and Respondents to file amended pleadings be moved from November 14, 2016 and November 30, 2016, respectively, to February 21, 2017 and March 7, 2017, respectively. Second, the parties request that the deadlines for Plaintiff's disclosure of expert testimony and Respondents' disclosure of expert testimony be moved from October 31, 2016 and November 30, 2016, respectively, to February 7, 2017 and March 7, 2017, respectively. Third, the parties request that the deadline for filing motions to dismiss, motions for summary judgment, or other dispositive motions be moved from February 2, 2017 to May 16, 2017. Finally, the parties request that the deadline for completion of discovery be moved from February 6, 2017 to May 16, 2017.

CONCLUSION

For the foregoing reasons, the parties jointly and respectfully request that this Court modify its deadlines for filing of amended pleadings, filing of dispositive motions, and the close of discovery.

Dated: September 19, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2016, I electronically filed the foregoing with the Clerk of the Court through the CM/ECF system, which will send notices of electronic filing to all counsel of record.

/s/ Matthew T. Martens
Attorney

CERTIFICATE OF CONFERENCE

I hereby certify that on September 16, 2016, I complied with the meet and confer requirement in Local Rule CV-7(h) and determined that this motion will be unopposed.

/s/ Matthew T. Martens
Attorney